



2641\$

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CHICAGO, IL 60647  
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RECEIVED

OCT 24 2001

Technology Center 2600

APPLICANTS: Novosel et al. GROUP ART UNIT: 2741  
SERIAL NO.: 09/592,461 EXAMINER: T. Smits  
FILING DATE: June 9, 2000 ATTY. DOCKET NO.: RRE-P-00-001  
INVENTION: "SOUND RECORDING AND REPRODUCTION SYSTEM FOR MODEL TRAIN  
USING INTEGRATED DIGITAL COMMAND CONTROL"

Asst. Commissioner for Patents  
BOX REISSUE  
Washington, D.C. 20231

SIR:

Transmitted herewith is an Amendment in response to the Office Action dated June 18, 2001 for the above-identified application.

- ☒ No additional fee is required.  
☐ The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS		MINUS		X 0	X 9.00 X 18.00	0
INDEP. CLAIMS		MINUS		X 0	X 39.00 X 78.00	0
Application amended to contain any multiple dependent claims not previously paid for.				( ) YES ( ) NO	\$130.00 \$260.00 ONE TIME	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					0	

- ☒ Applicants hereby petition the Asst. Commissioner for a 1-month extension of time so that the period for response is extended to October 18, 2001. Applicants enclose herewith a check in the amount of \$55.00 as payment for the fee.
- ☒ The Asst. Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to Deposit Acct. No. 50-0595. A duplicate of this sheet is enclosed for this purpose.

When phoning re this application, please call 773/772-6009.

10/23/2001 CCHAU1 00000034 09592461

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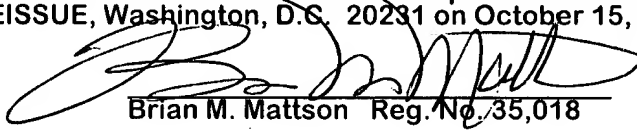
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BY:   
Brian M. Mattson Reg. No. 35,018



CERTIFICATE OF MAILING

I hereby certify that the attached Amendment, check for \$55.00, transmittal letter and return receipt postcard are being deposited as First Class Mail in an envelope addressed to the Asst. Commissioner for Patents, BOX REISSUE, Washington, D.C. 20231 on October 15, 2001.

  
Brian M. Mattson Reg. No. 35,018

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11

MDJ

10-25-01

AMENDMENT

REISSUE SERIAL NO. : 09/592,461  
FILING DATE : June 6, 2000  
GROUP ART UNIT : 2641  
EXAMINER : T. Smits  
INVENTORS : Novosel et al.  
TITLE : "SOUND RECORDING AND REPRODUCTION SYSTEM  
FOR MODEL TRAIN USING INTEGRATED DIGITAL  
COMMAND CONTROL"

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Asst. Commissioner for Patents

**Box Reissue**

Washington, D.C. 20231

S I R:

This Amendment is submitted in response to the Office Action dated June 18, 2001. In the Office Action, the Patent Office withdrew the previous Office Action and restarted the time period for response to begin with the mailing date of the instant Office Action mailed June 18, 2001.

In the Office Action, the Patent Office rejected Claims 1-4, 7-10, 12-16, 21-32, 37-45 and 49 under 35 U.S.C. 102(a) as being anticipated by the 1996 SoundTraxx DCC Digital Sound Decoder. Further, the Patent Office rejected Claims 5, 6, 11, 17, 33-36 and 48 under 35 U.S.C. §103(a) as being unpatentable over SoundTraxx DCC DSD 1996. Still further, the Patent Office rejected Claims 6, 11, 17, 18, 20, 34-36 and 47 under 35 U.S.C. §103(a) as being unpatentable over SoundTraxx DCC DSD 1996 as applied to Claim 1 above in view of Applicants' acknowledged prior art. Still further, the Patent Office rejected Claims 19, 46 and 50 under 35 U.S.C. §103(a) as being unpatentable over SoundTraxx DCC DSD 1996

as applied to Claim 1 above in view of Richard H. Lord's NMRA Digital Command System Sound Unit circuit diagram, dated May 20, 1992 with ISD1012A/1016A/1020A Single-Chip Voice Record/Playback Device specification sheet, dated February 1992.

Applicants note with appreciation the Patent Office approved of the reissue oath/declarations by the three inventors filed on March 12, 2001.

By the present Amendment, Applicants submit that the application is in condition for allowance for the reasons that follow.

In the Office Action, the Patent Office rejected Claims 1-4, 7-10, 12-16, 21-32, 37-45 and 49 under 35 U.S.C. §102(a) as being anticipated by the 1996 SoundTraxx DCC Digital Sound Decoder described in the SoundTraxx publicity handout dated February 2, 1996. However, for the claims of the present invention to be anticipated by the 1996 SoundTraxx DCC Digital Sound Decoder under 35 U.S.C. § 102(a), the 1996 SoundTraxx DCC Digital Sound Decoder must have been known or used by others in this country or patented or described in a printed publication in this or a foreign country, before the invention thereof by Applicants. Applicants submit that the 1996 SoundTraxx DCC Digital Sound Decoder was **NOT** known or used by others in this country or patented or described in a printed publication in this or a foreign country prior to the present invention.

Applicants submit that the subject matter disclosed in the 1996 SoundTraxx DCC Digital Sound Decoder (hereinafter "SoundTraxx") is disclosed in Applicants' parent application, Serial Number 08/289,257, filed August 11, 1994, now abandoned (hereinafter the '257 application) from which the continuation-in-part application relies on for priority. More specifically, as noted in the Office Action dated June 18, 2001, the Patent Office

contends, SoundTraxx includes:

digital control by a micro-controller, using bipolar digital signal packets, of propulsion, sound effects, and special effects, for model trains having two or more rails (inherent in the "NMRA DCC standards and recommended practices"... DSD "integrates a full featured digital sound system, sophisticated lighting effects and a DCC decoder into a single, miniature, electronic module" which is inside your locomotive")

(See first paragraph on page four of the Office Action dated April 30, 2001.)

Whereas, the '257 application, disclosed:

"the electrical components hereinafter described are typically enclosed within a housing such that the model train car 1 encloses the components and provides a decorative appearance in its ordinary usage. . . One of these components is a processing chip. . . The processing chip is provided with memory for storage following recording of various sounds recorded thereon or for subsequent reproduction of the recorded sounds. Connected to the processing chip 14 is an audio amplifier 16 and a sensor 18. . . . Of course, other sensors or activators may be implemented. . . . The processing chip 14 also includes a microphone 38... external to or built into the chip 14.

(See lines 5-15, page 8 of the '257 application.)

Further, the Patent Office contends that SoundTraxx further includes, "sound memory storing a plurality of sound effect samples at predetermined addresses (listed steam and Diesel sound effects stored on inherent addressable chip(s))." (See the second paragraph on page four of the Office Action dated April 30, 2001.) The '257 patent application, disclosed, "Each of those figures [figures 3-6] illustrate an alternate means to enable the chip 14 to close the switch and to induce the playback of the audio data." (See lines 2-5, page 10 of the '257 application.)

Further, the Patent Office contends that SoundTraxx further includes, "containing multiple sounds that emulate a model locomotive at various speeds and work loads (listed sound effects under 'Stunning Steam Sound!' and 'Dynamite Diesel Sound!')."

(See the third paragraph on page four of the Office Action dated April 30, 2001.) The '257 patent application disclosed, "The recorded sounds simulate noises and are particularly suitable for applications requiring simulated noises, such as model railroads..." (See the first paragraph of the SUMMARY OF THE INVENTION, page 2, lines 17-19 of the '257 application).

Finally, the Patent Office contends that SoundTraxx further includes:

an integrated sound, motor and special effects controller controlled by bi-polar signal packets, the motor and special effects controller reproducing the stored sounds contained in the model train (again, DSD "integrates a full featured digital sound system, sophisticated lighting effects and a DCC decoder into a single, miniature, electronic module" which is "inside your locomotive", the special effects include the listed "Steam Lighting Effects" and "Diesel Lighting Effects" and DSD100 Figure).

(See the fourth paragraph on page four of the Office Action dated April 30, 2001.)

As stated above, the '257 patent application disclosed:

"the electrical components hereinafter described are typically enclosed within a housing such that the model train car 1 encloses the components and provides a decorative appearance in its ordinary usage. . . One of these components is a processing chip. . . The processing chip is provided with memory for storage following recording of various sounds recorded thereon or for subsequent reproduction of the recorded sounds. Connected to the processing chip 14 is an audio amplifier 16 and a sensor 18. . . Of course, other sensors or activators may be implemented. . . The processing chip 14 also includes a microphone 38... external to or built into the chip 14.

(See lines 5-15, page 8 of the '257 application.)

Based on the foregoing, Applicants submit that the claims of this application are based on priority established in the parent application, the date of which is prior to SoundTraxx. Accordingly, Applicants further submit that independent Claims 1

and 21 of the present invention are not anticipated by SoundTraxx. Therefore, SoundTraxx is not prior art to Applicants' claimed invention under 35 U.S.C. §102(a). Notice to that effect is requested.

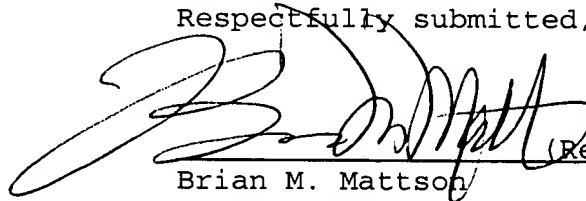
As to the rejection of Claims 2-4, 7-10, 12-16, 22-32, 37-45 and 49 under 35 U.S.C. 102(a) as being anticipated by SoundTraxx, Applicants respectfully submit that these claims set forth additional structural elements of Applicants' novel invention and are allowable for the same reasons set forth above with respect to independent Claims 1 and 21. Notice to that effect is requested.

Applicants further submit that each of the remaining rejections, namely the rejection of Claims 5, 6, 11, 17, 33-36 and 48 under 35 U.S.C. §103(a) as being unpatentable over SoundTraxx; the rejection of Claims 6, 11, 17, 18, 20, 34-36 and 47 under 35 U.S.C. § 103(a) as being unpatentable over SoundTraxx as applied to Claim 1; and the rejection of Claims 19, 46 and 50 under 35 U.S.C. 103(a) as being unpatentable over SoundTraxx as applied to Claim 1 in view of Richard H. Lord's NMRA digital command System Sound Unit circuit diagram is improper for the same reasons set forth above with respect to independent Claims 1 and 21. Notice to that effect is requested.

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Patent Office to telephone Applicants' attorney so that

the same may be resolved and the application expedited to issue. Applicants request the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

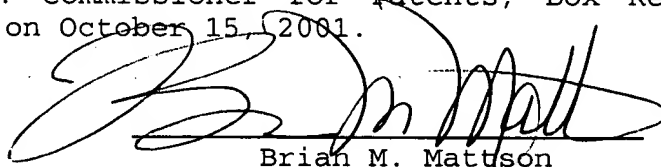


(Reg. No. 35,018)

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773/772-6009  
Attorney for Applicants

**CERTIFICATE OF MAILING**

I hereby certify that this **Amendment** is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Asst. Commissioner for Patents, Box Reissue, Washington, D.C. 20231 on October 15, 2001.



Brian M. Mattson